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- (b) Hire, employ, or use of any individual to perform farm labor contracting activities by farm labor contractor; liability of farm labor contractor for violations.
- (c) Possession and exhibition of certificate.
- (d) Refusal or failure to produce certificate.
- 1812. Issuance of certificate of registration.
- 1813. Registration determinations.
  - (a) Grounds for refusal to issue or renew, suspension, or revocation of certificate.
  - (b) Administrative review procedures applicable.
  - (c) Judicial review procedures applicable.
- 1814. Transfer or assignment; expiration; renewal.
  - (a) Transfer or assignment prohibited.
  - (b) Expiration; renewals.
- 1815. Notice of address change; amendment of certificate of registration.
- 1816. Repealed.

#### SUBCHAPTER II—MIGRANT AGRICULTURAL WORKER PROTECTIONS

- 1821. Information and recordkeeping requirements.
  - (a) Written disclosure requirements imposed upon recruiters.
  - (b) Posting requirements imposed upon employers.
  - (c) Posting or notice requirements imposed upon housing providers.
  - (d) Recordkeeping and information requirements imposed upon employers.
  - (e) Furnishing of records by farm labor contractor; maintenance of records by recipient.
  - (f) Prohibition on knowingly providing false or misleading information to workers.
  - (g) Form and language requirements.
- 1822. Wages, supplies, and other working arrangements.
  - (a) Payment of wages.
  - (b) Purchase of goods or services by worker.
  - (c) Violation of terms of working arrangement.
- 1823. Safety and health of housing.
  - (a) Compliance with substantive Federal and State safety and health standards.
  - (b) Certification that applicable safety and health standards met; posting of certificate of occupancy; retention of certificate and availability for inspection and review; occupancy prior to inspection.
  - (c) Applicability to providers of housing on a commercial basis to the general public.

#### SUBCHAPTER III—SEASONAL AGRICULTURAL WORKER PROTECTIONS

- 1831. Information and recordkeeping requirements.
  - (a) Written disclosure requirements imposed upon recruiters.
  - (b) Posting requirements imposed upon employers.
  - (c) Recordkeeping and information requirements imposed upon employers.
  - (d) Furnishing of records by farm labor contractor; maintenance of records by recipient.
  - (e) Prohibition on knowingly providing false or misleading information to workers.

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- (f) Form and language requirements.
- 1832. Wages, supplies, and other working arrangements.
  - (a) Payment of wages.
  - (b) Purchase of goods or services by worker.
  - (c) Violation of terms of working arrangement.

#### SUBCHAPTER IV—FURTHER PROTECTIONS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS

- 1841. Motor vehicle safety.
  - (a) Mode of transportation subject to coverage.
  - (b) Applicability of standards, licensing, and insurance requirements; promulgation of regulations for standards; criteria, etc., for regulations; amount of insurance required.
  - (c) Adjustments of insurance requirements in the event of workers' compensation coverage.
  - (d) Time for promulgation of regulations for standards implementing requirements; revision of standards.
- 1842. Confirmation of registration.
- 1843. Information on employment conditions.
- 1844. Compliance with written agreements.
  - (a) Applicability to contracting activity or worker protection.
  - (b) Statutory liability.

#### SUBCHAPTER V—GENERAL PROVISIONS

##### PART A—ENFORCEMENT PROVISIONS

- 1851. Criminal sanctions.
  - (a) Violations of chapter or regulations.
  - (b) Violations of section 1324a(a) of title 8.
- 1852. Judicial enforcement.
  - (a) Injunctive relief.
  - (b) Control of civil litigation.
- 1853. Administrative sanctions.
  - (a) Civil money penalties for violations; criteria for assessment.
  - (b) Administrative review.
  - (c) Judicial review.
  - (d) Failure to pay assessment; maintenance of action.
  - (e) Payment of penalties into Treasury of United States.
- 1854. Private right of action.
  - (a) Maintenance of civil action in district court by aggrieved person.
  - (b) Appointment of attorney and commencement of action.
  - (c) Award of damages or other equitable relief; amount; criteria; appeal.
  - (d) Workers' compensation benefits; exclusive remedy.
  - (e) Expansion of statutory damages.
  - (f) Tolling of statute of limitations.
- 1855. Discrimination prohibited.
  - (a) Prohibited activities.
  - (b) Proceedings for redress of violations.
- 1856. Waiver of rights.

##### PART B—ADMINISTRATIVE PROVISIONS

- 1861. Rules and regulations.
- 1862. Authority to obtain information.
  - (a) Investigation and inspection authority concerning places, records, etc.
  - (b) Attendance and testimony of witnesses, and production of evidence; subpoena authority.
  - (c) Prohibited activities.
- 1863. Agreements with Federal and State agencies.
  - (a) Scope of agreements.

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- (b) Delegation of authority pursuant to written State plan.

## PART C—MISCELLANEOUS PROVISIONS

1871. State laws and regulations.  
1872. Transition provision.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 26 section 3306.

**§ 1801. Congressional statement of purpose**

It is the purpose of this chapter to remove the restraints on commerce caused by activities detrimental to migrant and seasonal agricultural workers; to require farm labor contractors to register under this chapter; and to assure necessary protections for migrant and seasonal agricultural workers, agricultural associations, and agricultural employers.

(Pub. L. 97-470, § 2, Jan. 14, 1983, 96 Stat. 2584.)

## EFFECTIVE DATE

Section 524 of Pub. L. 97-470 provided in part that: "The provisions of this Act [enacting this chapter and repealing chapter 52 (§2041 et seq.) of Title 7, Agriculture] shall take effect ninety days from the date of enactment [Jan. 14, 1983]."

## SHORT TITLE

Section 1 of Pub. L. 97-470 provided in part that this Act [enacting this chapter and repealing chapter 52 (§2041 et seq.) of Title 7, Agriculture] may be cited as the "Migrant and Seasonal Agricultural Worker Protection Act".

**§ 1802. Definitions**

As used in this chapter—

(1) The term "agricultural association" means any nonprofit or cooperative association of farmers, growers, or ranchers, incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker.

(2) The term "agricultural employer" means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker.

(3) The term "agricultural employment" means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or section 3121(g) of title 26 and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

(4) The term "day-haul operation" means the assembly of workers at a pick-up point waiting to be hired and employed, transportation of such workers to agricultural employment, and the return of such workers to a drop-off point on the same day.

(5) The term "employ" has the meaning given such term under section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) for the purposes of implementing the requirements of that Act [29 U.S.C. 201 et seq.].

(6) The term "farm labor contracting activity" means recruiting, soliciting, hiring, employing, furnishing, or transporting any migrant or seasonal agricultural worker.

(7) The term "farm labor contractor" means any person, other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association, who, for any money or other valuable consideration paid or promised to be paid, performs any farm labor contracting activity.

(8)(A) Except as provided in subparagraph (B), the term "migrant agricultural worker" means an individual who is employed in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence.

(B) The term "migrant agricultural worker" does not include—

(i) any immediate family member of an agricultural employer or a farm labor contractor; or

(ii) any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 1101(a)(15)(H)(ii)(a) and 1184(c) of title 8.

(9) The term "person" means any individual, partnership, association, joint stock company, trust, cooperative, or corporation.

(10)(A) Except as provided in subparagraph (B), the term "seasonal agricultural worker" means an individual who is employed in agricultural employment of a seasonal or other temporary nature and is not required to be absent overnight from his permanent place of residence—

(i) when employed on a farm or ranch performing field work related to planting, cultivating, or harvesting operations; or

(ii) when employed in canning, packing, ginning, seed conditioning or related research, or processing operations, and transported, or caused to be transported, to or from the place of employment by means of a day-haul operation.

(B) The term "seasonal agricultural worker" does not include—

(i) any migrant agricultural worker;

(ii) any immediate family member of an agricultural employer or a farm labor contractor; or

(iii) any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 1101(a)(15)(H)(ii)(a) and 1184(c) of title 8.

(11) The term "Secretary" means the Secretary of Labor or the Secretary's authorized representative.

(12) The term "State" means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam.

(Pub. L. 97-470, § 3, Jan. 14, 1983, 96 Stat. 2584; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-603, title I, § 101(b)(1)(A), Nov. 6, 1986, 100 Stat. 3372.)